

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T WIRELESS PCS, INC., BY	)	
AND THROUGH ITS AGENT, WIRELESS PCS, INC.,	)	
FOR THE ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO. 96-513
CONSTRUCT A PERSONAL COMMUNICATIONS	)	
SERVICES NETWORK FACILITY IN WILDER,	)	
KENTUCKY AND CALLED THE SCHWEITZER SITE,	)	
SITE #02-30-03	)	

O R D E R

On October 29, 1996, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a personal communications service facility in the Cincinnati-Dayton Major Trading Area ("MTA"). The proposed facility consists of a monopole antenna tower not to exceed 200 feet in height, with attached antennas, to be located at 621 Old West Johns Hill Road, Wilder, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 49.8" by West Longitude 84° 28' 19.0".

AT&T Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, AT&T Wireless has notified the Campbell County Planning Commission of the proposed construction. To date, no comments have been filed by the Planning Commission. AT&T Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

AT&T Wireless has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, AT&T Wireless has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received several protests of the proposed construction. As ordered by the Commission, AT&T Wireless responded in writing to each protestor's concerns. Under separate letters, the Commission notified each protestor of the right to request intervention and a public hearing if AT&T Wireless' response did not satisfy their concerns. Several protestors intervened in this matter. Subsequently, AT&T Wireless filed a motion for a public hearing. The Commission scheduled a hearing on this matter and ordered that any party planning to appear at the hearing in opposition to the proposed facility should so notify the Commission or the hearing would be canceled and this matter submitted to the Commission for a decision. No party filed a statement of its intent to appear at the scheduled hearing in opposition to the proposed construction, and therefore the hearing was canceled.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in the Cincinnati-Dayton MTA.

IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 200 feet in height, with attached antennas, to be located at 621 Old West Johns Hill Road, Wilder, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 1' 49.8" by West Longitude 84° 28' 19.0".


2. AT&T Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 29th day of July, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director